

Section III:
AMENDMENT UNDER 37 CFR §1.121 to the
DRAWINGS

No amendments or changes to the Drawings are proposed.

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Rejections under 35 U.S.C. §102(e)

In the Office Action, Claims 1 - 3, 9, 10 and 16 - 19 have been rejected under 35 U.S.C. §102(a) over Coulombe.

All claims except for Claim 1 have been cancelled from the present patent application in order to place this application in condition for allowance in the next Office Action (please see explanation in final paragraph of this reply).

Claim 1 has been amended to further specify that our "role" is a "user role" related to the user's role in an organization. Coulombe's role is a *device* role, such as a client, server, or proxy (see col. 6, line 31 - 54). Our invention installs and uninstalls software application programs automatically according to the *user's* role in an organization, about which Coulombe is silent.

Rejections under 35 U.S.C. §103(a)

The remainder of the claims were rejected under 35 U.S.C. §103(a) over Coulombe in view of Guheen. Based on our understanding of the fairly lengthy Guheen disclosure, we believe the amendment to Claim 1 distinguishes over Guheen in a number of ways:

- a. Guheen's user roles are described as "*Responsibility, Accountability, and Authority profiles (RAA)*", which is described in conjunction with, but not specifically shown in Figure 53. There is only one mention of RAA in Guheen that we can find. There are other "profiles" described, such as the use of a "customer profile" to select "features", as shown in Figure 69. But, we can find no disclosure regarding *where* these profiles are stored. We have amended claim 1 to specify that our *user-organizational role definition file* is stored on the *client networked device*, about which Guheen appears to be silent.
- b. Our *user-organizational role definition file* stored on the networked client device, not stored by a server, is made available to the user for the user to modify as

needed. This imparts an on-demand characteristic of our invention, not suggested or disclosed by Coulombe or Guheen. We accomplish this by specifically configuring the client-stored *user-organizational role definition file* into an LDAP directory, where the LDAP directory can monitor the file for changes. When the *user-organizational role definition file* is changed by the user, the invention triggers the steps of reevaluating the software needs of the user according to his or her modified role, and then by making software installation and deinstallation actions as needed to reconfigure the networked client device.

- c. Our invention specifically recovers licenses for uninstalled software packages, making them available to be installed on-demand by other users of other networked client devices, which is a resource management feature not suggested by or disclosed by Coulombe or Guheen, either.

We believe these amendments are well supported by our disclosure, such as at paragraphs 0038, 0039, 0040, 0041, 0043, 0044, 0045, 0057, 0060, 0062, 0067, 0070, and 0075, so no new matter is added by the amendment.

Consideration of Claim as a Whole

We respectfully request consideration of the claim as a whole. While the claim is a collection of steps, elements, and limitations, the combination, sequence, and interrelationships of the claim parts are also part of the invention, of course. Art which merely discloses the individual steps, elements, and limitations, often fails to suggest the combination, sequence, and interrelationships which are also present in the claims.

The Federal Circuit has recognized this, and has indicated that the claims must be considered as a whole, beyond analysis of only the differences between the individual claim components and multiple references:

[Although *Graham v. John Deere Co.*, 383 U.S. at 17, 148 USPQ at 476, requires that certain factual inquiries, among them the differences between the prior art and the claimed invention, be conducted to support a determination of the issue of obviousness, the actual determination of

the issue requires an evaluation in the light of the findings in those inquiries of the obviousness of the claimed invention as whole, not merely the differences between the claimed invention and the prior art.

Lear Siegler, Inc. v. Aeroquip Corp., 733 F.2d 881,221 USPQ 1025,1033 (Fed. Cir. 1984) (emphasis added). See also *Fromson v. Advance Offset Plate, Inc.*, 755 F.2d 1549,225 USPQ 26, 31 (Fed. Cir. 1985)

And:

It is impermissible to use the claimed invention, as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fritch*, 972 F.2d 2160, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 16 (Fed. Cir. 1988)). See also *Akzo N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1 USPQ2d 1241, 1246 (Fed. Cir. 1986), *cert. denied*, 483 U.S. 909 (1987).

Applicant respectfully requests reconsideration of the rejections in view of the claim as a whole.

Nature of Amendment

In the present amendment, we have amended claim 1 and cancelled all other pending claims from further consideration in this application. We are not conceding that the subject matter encompassed by the cancelled claims prior to this Amendment are not patentable over the art cited by the Examiner. Amendment and cancellation of these claims are made solely to facilitate expeditious prosecution of at least a portion of allowable subject matter in this application. We respectfully reserve the right to pursue claims, including the subject matter encompassed by the cancelled claims, as present prior to this Amendment and additional claims in one or more continuing applications.

Request for Indication of Allowable Subject Matter

We believe we have responded to all grounds of rejection and objection, but if the Examiner disagrees, we would appreciate the opportunity to supplement our reply.

We believe the present amendment places the claim in condition for allowance. If, for any reason, it is believed that the claim is not in a condition for allowance, we respectfully request constructive recommendations per MPEP 707.07(j) II which would place the claim in condition for allowance without need for further proceedings. We will respond promptly to any Examiner-initiated interviews or to consider any proposed examiner amendments.

Respectfully,

/ Robert Frantz /

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